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FILED

MAY 19 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

Attorneys for Defendant, Cross-Defendant, Counterclaimant, and Cross-Complainant Sacramento
Municipal Utility District

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL,

Plaintiff,

v.

BRIGHTON OIL CO., a California limited
partnership, et al.

Defendants.

) Case No. CIV-S-02-0018 GEB JFM

) **STIPULATION AND ORDER RE:**
) **VOLUNTARY DISMISSAL OF**
) **CROSS-DEFENDANT**
) **McDONNELL DOUGLAS**
) **CORPORATION BY DEFENDANT**
) **AND CROSS-COMPLAINANT**
) **SACRAMENTO MUNICIPAL**
) **UTILITY DISTRICT**

AND RELATED COUNTERCLAIMS,
CROSS-CLAIMS AND THIRD-PARTY
ACTIONS

STIPULATION

It is hereby stipulated between Defendant, Cross-Defendant, Counterclaimant, and
Cross-Complainant Sacramento Municipal Utility District (hereinafter "SMUD") and Cross-
Defendant McDonnell Douglas Corporation, by and through their respective counsel, that
SMUD's cross-claims against McDonnell Douglas Corporation are dismissed without prejudice.
This stipulation does not affect SMUD's cross-claims against any other defendant.

Said parties further agree that Cross-Defendant McDonnell Douglas Corporation

1 *waives all claims for any and all costs and/or fees (including but not limited to attorney's fees) it
2 may have against SMUD related to SMUD's cross-claims.

3 DATED: May 4, 2005

THE KIRK LAW FIRM

5 By: 

Jean C. Fung

6 Attorneys for Defendant, Cross-Defendant,
7 Counterclaimant, and Cross-Complainant
Sacramento Municipal Utility District

8 DATED: May 4, 2005

WESTON, BENSHOOF, et al.

9 By: 

Michele Powers

10 Attorneys for Cross-Defendant ~~Basing Corporation~~
11 ~~as successor to~~ McDonnell Douglas Corporation

14 **ORDER**

15 IT IS SO ORDERED.

16 DATED: May 18, 2005


JUDGE GARLAND E. BURRELL, JR.

PROOF OF SERVICE

I am employed in the County of Sacramento, State of California, I am over the age of 18 and not a party to the within action; my business address is 455 Capitol Mall, Suite 605, Sacramento, California 95814.

On May 12, 2005, I served the foregoing document described as:

**STIPULATION AND ORDER RE: VOLUNTARY DISMISSAL OF CROSS-DEFENDANT
MCDONNELL DOUGLAS CORPORATION BY DEFENDANT CROSS-COMPLAINT
SACRAMENTO MUNICIPAL UTILITY DISTRICT**

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage fully prepaid at Sacramento, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in the affidavit.

X (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed May 12, 2005, at Sacramento, California

Kerri D. Herndon
(Type or Print Name)

Kerri D. Herndon
Signature